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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,647

09/20/2005

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32350-258536

8068

44920

7590

12/24/2008

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EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/549,647	<b>Applicant(s)</b> KASSENAAAR, TEUNIS ADRIANUS	
	<b>Examiner</b> JUSTIN P. MISLEH	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1 - 14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |                                                                                      |                                                                   |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                          | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed August 27, 2008 have been fully considered but they are not persuasive.

2. Applicant argues, "Applicant notes that the lens assembly 34 of Ning is moved manually by pressing into the lens holder 12, and the spring 60 of Ning cannot be equal to the positioning means of the present application because the spring 60 does not provides any rotor sliding on an included surface.

"Hence, Ning cannot does not teach or suggest a positioning means comprising a rotor (80) and a foot (30), wherein the foot (30) comprises at least an included surfaces with the rotor (80) sliding thereon and surrounding the lens (20) for automatically activating the second retaining means (53, 82) when the first retaining means (54, 82) are deactivated, and vice versa, as recited in claim 1 of the present application."

The Examiner respectfully disagrees with Applicant's position. Claim 1 has been amended to incorporate the previous language of dependent Claim 1 and to further add that the foot comprises at least an inclined surface. In response thereto, the Examiner has reinterpreted the positioning means. The Examiner respectfully submits Ning discloses, as shown in figure 1a, a positioning means (lens holder 12 and spring 18) comprising a rotor (spring 18) and a foot (lens holder 12), wherein the foot (lens holder 12) comprises at least an inclined surface (86) with the rotor sliding thereon (see contrast between figures 1a and 1c) and surrounding the lens (see figure 1a) for automatically activating (via means for extending 72) the second retaining

Art Unit: 2622

means (edge 18) when the first retaining means (86) are deactivated, and vice versa (clearly shown in figure 1a). For this reason, the rejection will be maintained.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1 – 14** are rejected under 35 U.S.C. 102(e) as being anticipated by Ning (US 2004/0095499 A1).

5. For **Claim 1**, Ning discloses, as shown in figures 1a – 2, imaging module (10), comprising:

an image sensor chip (24);

a lens (34), wherein the lens (34) and the image sensor chip (24) are movable with respect to each other (see figures 1a and 2);

first retaining means (86 – see figure 1a) for retaining the lens (34) with respect to the image sensor chip (24) at a first distance (see figure 1a);

second retaining means (edge 18 – see figure 1c) for retaining the lens (34) with respect to the image sensor chip (24) at a second distance (see figure 2); and

a positioning means (lens holder 12 and spring 18) comprising a rotor (spring 18) and a foot (lens holder 12), wherein the foot (lens holder 12) comprises at least an inclined surface (86)

Art Unit: 2622

with the rotor sliding thereon (see contrast between figures 1a and 1c) and surrounding the lens (see figure 1a) for automatically activating (via means for extending 72) the second retaining means (edge 18) when the first retaining means (86) are deactivated, and vice versa (clearly shown in figure 1a).

6. As for **Claim 2**, Ning discloses, as shown in figures 1a – 2, wherein the retaining means (18/86) are designed such as to be brought in a deactivated state (see figures 1a and 2) by a movement of the lens (34) and the image sensor chip (24) in an inward direction with respect to each other (figure 1a shows 86 is activated and 18 is deactivated), and in an activated state by a movement of the lens (34) and the image sensor chip (10) in an outward direction with respect to each other (figure 2 shows 86 is deactivated and 18 is activated) .

7. As for **Claim 3**, Ning discloses, as shown in figures 1a – 2, wherein the foot (lens holder 12) has a plurality of inclined surfaces (86) with the rotor sliding thereon (see contrast between figures 1a and 1c).

8. As for **Claim 4**, Ning discloses, as shown in figures 1a – 2, wherein the image sensor chip (24) is located at an under portion (16) of the imaging module (10), wherein the lens (34) is held by an upper portion (54 – see figure 1e) of the imaging module (10), wherein the under portion (16) and the upper portion (54) are movable with respect to each other (see figures 1a and 2), wherein the under portion (16) is provided with first engaging means (86 – see figure 1a and edge 18 – see figure 1c), and wherein the upper portion (54) is provided with second engaging means (84a – see figure 1a and 58 – see figure 1e) for engaging the first engaging means (86/18).

Art Unit: 2622

9. As for **Claim 5**, Ning discloses, as shown in figures 1a – 2, wherein the upper portion (54) is provided with upper protrusions (84a – see figure 1a and 58 – see figure 1e), and wherein the under portion (16) comprises a recess (18 – see figure 1c and 86 – see figure 1a) for receiving the upper protrusions (84a/58).
10. As for **Claim 6**, Ning discloses, as shown in figures 1a – 2, wherein the upper protrusions (84a) have a triangular shape (protrusions 84a appear to be triangular at their base).
11. As for **Claim 7**, Ning discloses, as shown in figures 1a – 2, wherein the recess (18/86) in the under portion (16) comprises long slots (edge 18 in figure 1c is a long slot) and short slots (86 in figure 1a is a short slot).
12. As for **Claim 8**, Ning discloses, as shown in figures 1a – 2, wherein upper sides of the slots (18 and 86) are inclined (figure 1a clearly shows that edge 18 is vertically inclined and 86 is angularly inclined.).
13. As for **Claim 9**, Ning discloses, as shown in figures 1a – 2, wherein the under portion (16) comprises lower protrusions (18) which are positioned such as to contact the upper protrusions (58) of the upper portion (54) of the imaging module (10).
14. As for **Claim 10**, Ning discloses, as shown in figures 1a – 2, wherein the lower protrusions (edge 18) have a triangular shape (base of edges 18 appear to be triangular at their base).
15. As for **Claim 11**, Ning discloses, as shown in figures 1a – 2, wherein the upper portion (54) comprises a rotatable rotor (54) supporting the upper protrusions (84a and 58; protrusions 84a and 58 can be circumferentially continuous around the upper portion, which allows for rotation of the upper portion; see paragraph 39).

Art Unit: 2622

16. As for **Claim 12**, Ning discloses, as shown in figures 1a – 2, wherein the first distance (see figure 1a) corresponds to a focal distance of the lens (34), and wherein the second distance (see figure 2) is smaller than the first distance (clearly shown in figures 1a and 2).

17. As for **Claim 13**, Ning discloses, as shown in figures 1a – 2, further comprising pressing means (60) for pressing the lens (34) and the image sensor chip (24) in an outward direction with respect to each other, the pressing means (60) preferably comprising a helical spring (see figure 1a).

18. As for **Claim 14**, Ning discloses, as shown in figures 13 – 15, cellular phone, comprising an imaging module according to Claim 1.

### ***Conclusion***

19. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2622

20. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David Ometz can be reached on 571.272.7593. The fax phone number for the organization where this application or proceeding is assigned is 571.273.8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**/Justin P. Misleh/  
Primary Examiner  
Group Art Unit 2622  
December 25, 2008**